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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,078	04/20/2001	Ping Sheng Zhang	29876/37280	2715

4743 7590 12/18/2001

MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN
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EXAMINER

MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,078

Applicant(s)

ZHANG ET AL.

Examiner

McDermott, Kevin

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh. Walsh teaches, in figure 1 and column 1, line 49 to column 2, line 73, a first wooden layer of strips secured together with the grain extending in the longitudinal direction, and a second layer made of wooden strips secured to a face of the first layer and having the grains transverse to the longitudinal the longitudinal direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh, as applied to claims 1 and 2 above, in view of Counihan (U.S Patent No. 6,115,981). Walsh teaches, in figure 1 and column 1, line 49 to column 2, line 73, a first wooden layer of strips secured together with the grain extending in the longitudinal direction, and a second layer made of wooden strips secured to a face of the first layer

and having the grains transverse to the longitudinal direction. However, Walsh does not teach coating any of the floor layers with acrylic urethane or aluminum oxide.

Counihan teaches, in figure 1, and column 2, line 62, finished floor layer 14. Therefore, Examiner believes it would have been obvious to one of ordinary skill in the art at the time the invention was made to finish the floor layers and other surfaces with a finish coating such as acrylic urethane or aluminum oxide. One of ordinary skill would have to been motivated to use acrylic urethane or aluminum oxide as a finish coating to protect the flooring material.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh, as applied to claims 1 and 2 above, in view of Counihan (U.S. Patent No. 6,115,981). Walsh teaches, in figure 1 and column 1, line 49 to column 2, line 73, a first wooden layer of strips secured together with the grain extending in the longitudinal direction, and a second layer made of wooden strips secured to a face of the first layer and having the grains transverse to the longitudinal the longitudinal direction. However, Walsh does not teach a tongue and groove relationship between floor strips.

Counihan teaches, in figure 1, a tongue and groove relationship between floor strips. Therefore, Examiner believes it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a tongue and groove relationship between floor strips. One of ordinary skill would have to been motivated to make such a modification to provide a more secure connection between floor strips.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Counihan (U.S. Patent No. 6,115,981) and Wu. Walsh teaches, in

figure 1 and column 1, line 49 to column 2, line 73, a first wooden layer of strips secured together with the grain extending in the longitudinal direction, and a second layer of wooden strips secured to a face of the first layer and having the grains transverse to the longitudinal direction. However, Walsh does not teach: bamboo flooring strips; coating any of the floor layers with acrylic urethane; or, a tongue and groove relationship between flooring strips.

Wu teaches, in column 1, lines 13-18, making a floor surface of bamboo. Therefore, Examiner believes it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a bamboo flooring material. One of ordinary skill would have to been motivated to make such a modification to provide a durable floor surface.

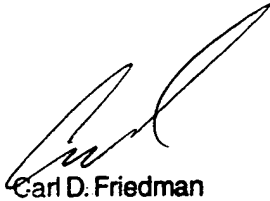
Counihan teaches, in figure 1, and column 2, line 62, finished floor layer 14. Therefore, Examiner believes it would have been obvious to one of ordinary skill in the art at the time the invention was made to finish the floor layers and other surfaces with a finish coating such as acrylic urethane. One of ordinary skill would have to been motivated to use acrylic urethane as a finish coating to protect the flooring material.

Counihan teaches, in figure 1, a tongue and groove relationship between floor strips. Therefore, Examiner believes it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a tongue and groove relationship between floor strips. One of ordinary skill would have to been motivated to make such a modification to provide a more secure connection between floor strips.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600